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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.36 OF 2005
IN
CRIMINAL APPEAL NO.13 OF 2006

The State of Mahrashtra ... Appellant

V/s.

Irfan @ Hippya Nazir Shaikh & Ors. ... Respondents

Mrs.P.H. Kantharia, APP, for Appellant
None for Respondents

CORAM: **V.G. PALSHIKAR, Ag. C.J. & SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 22, 2006**

P.C.:

. Criminal Application for condonation of delay allowed for the reasons mentioned in the Application. Delay condoned.

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Mrs.P.H. Kantharia, APP, for Appellant
None for Respondents

CORAM: **V.G. PALSHIKAR, Ag. C.J. & SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 22, 2006**

P.C.:

. This is an appeal for enhancement of sentence. The Respondent accused has been convicted by the learned Adhoc Additional Sessions Judge, Thane under section 326 of the Indian Penal Code to suffer imprisonment for three years. According to the State, this punishment is inadequate.

2. Awarding of punishment is a matter of judicial discretion. On a perusal of the impugned order, it cannot be said that the discretion was in any manner improperly exercised. Hence, the Appeal is rejected.